

**ENTERED**

January 23, 2018

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

TOMAS FERNANDEZ, *et al*,

§

Plaintiffs,

§

VS.

§

CIVIL ACTION NO. 4:17-CV-1401

JANI-KING INTERNATIONAL, INC., *et al*,

§

Defendants.

§

**ORDER**

Before the Court is the Magistrate Court's Memorandum and Recommendation Granting Defendants' Motions to Dismiss, filed on January 8, 2018 (Doc. #35). The time for filing objections has passed, and no objections have been filed. Pursuant to Federal Rule of Civil Procedure 72(b), the Court has reviewed the Report and Recommendation for clear error. *See Cruz v. Colvin*, No. 7:14-CV-780, 2016 WL 728182, at \*1 (S.D. Tex. Feb. 24, 2016). Finding no clear error, the Court adopts the Memorandum and Recommendation in its entirety. Accordingly, Defendants Motions to Dismiss (Docs. #17, 18, 19) are conditionally GRANTED. However, the Court will allow Plaintiff fourteen (14) days from the date of this order to file an amended complaint addressing the issues identified in the Report and Recommendation. If Plaintiff fails to file an amended complaint within the allotted time, Plaintiff's claims will be dismissed without further notice.

It is so ORDERED.

JAN 23 2018

Date

The Honorable Alfred J. Bennett  
United States District Judge

